

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA**

BEST MEDICAL INTERNATIONAL, INC. Plaintiff, vs. ACCURAY, INC., a corporation; Defendant.	Case No. 2:10-CV-1043 (TFM)
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**UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE OBJECTIONS AND/OR
A MOTION TO MODIFY THE SPECIAL MASTER’S REPORT AND
RECOMMENDATION ON CLAIM CONSTRUCTION
AND FOR LEAVE TO EXCEED THE PAGE LIMITATIONS**

Defendant Accuray Incorporated (“Accuray”) hereby moves for an extension of time for the parties to file objections and/or a motion to modify the Special Master’s Report and Recommendation on Claim Construction (Doc. No. 149) until October 17, 2012. Accuray also moves for leave to exceed the page limitation on such objections/motions and responses thereto. In support of such motion, Accuray avers as follows:

1. The current deadline for filing objections and/or a motion to modify the Special Master’s Report and Recommendation on Claim Construction is twenty (20) days from the date of the Special Master’s Report and Recommendation. See Order of Court Appointing Special Master (Doc. No. 56). The current deadline for filing any a response to any such objections or motions is within ten (10) days of the initial filing of such objections or motion.

2. On September 7, 2012, the Special Master Issued his Report and Recommendation on Claim Construction (the “Report”). The report consists of 187 pages of legal and technical analysis on the issues of claim construction.

3. Given the size and scope of the Report, Accuray believes that additional time is necessary for the parties to prepare meaningful objections to and/or motions regarding the Report. Accuray therefore moves for modest extensions of the respective deadlines set forth in Doc. No. 56 as follows:

- Deadline to file objections to --- or a motion to adopt or modify – the Special Master’s Report shall be October 17, 2012 (40 days after the September 7 Special Master Report);
- Deadline to file a response to such objection or motion shall be November 6, 2012 (twenty days from the October 17 deadline for filing an objection or motion).

4. Also, given the size and scope of the Report, Accuray also seeks leave for the parties to exceed the recommended ten (10) page limit set forth in Judge McVerry’s Practices and Procedures. See Section II.E.

5. Accuray has conferred with Best Medical International Inc. (“Best Medical”) regarding the relief set forth in this Motion and Best Medical has advised that it is not opposed to the Motion.

WHEREFORE, Accuray Incorporated respectfully requests that its Motion be Granted.

A proposed Order is attached.

Dated this 20th day of September, 2012.

Respectfully submitted,

By: /s/ Kirsten R. Rydstrom

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CERTIFICATE OF SERVICE

I hereby certify that on September 20, 2012, I electronically filed the foregoing document with the clerk of court for the U.S. District Court, Western District of Pennsylvania, using the electronic case filing system of the court. The electronic case filing system will send notification of such filing to all counsel of record. Counsel may access such document using the Court's system.

/s/ Kirsten R. Rydstrom
*Attorneys for Defendant Accuray
Incorporated*

Dated: September 20, 2012